

Bill No. SB 2548

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Proposed Committee Substitute by the Committee on Ways and Means

1 A bill to be entitled

2 An act relating to state financial matters;

3 amending s. 11.243, F.S.; providing for the

4 moneys collected from the sale of the Florida

5 Statutes or other publications to be deposited

6 in a specified trust fund; amending s. 11.513,

7 F.S.; requiring the Chief Justice of the

8 Supreme Court to develop program monitoring

9 plans; requiring that additional data be

10 included in the plans for monitoring major

11 programs of state agencies and the judicial

12 branch and in the reviews of those programs;

13 providing for the Office of Program Policy

14 Analysis and Government Accountability to

15 review agency and judicial branch performance

16 standards and report to the Governor, the

17 Legislature, and the Legislative Budget

18 Commission; amending s. 20.435, F.S.; revising

19 a provision relating to certain undisbursed

20 balances of appropriations from the Biomedical

21 Research Trust Fund; amending s. 215.18, F.S.;

22 requiring that the Governor provide prior

23 notice of transfers between certain funds;

24 amending s. 215.3206, F.S.; replacing

25 references to a 6-digit fund code in the

26 Florida Accounting Information Resource

27 Subsystem with a classification scheme

28 consistent with the Department of Financial

29 Services' financial systems; amending s.

30 215.3208, F.S.; revising references to conform;

31 amending s. 215.35, F.S.; revising a provision

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1 relating to the numbering of warrants issued by
2 the Chief Financial Officer; amending s.
3 215.422, F.S.; replacing a reference to certain
4 vouchers with the terms "invoice" or
5 "invoices"; clarifying that agencies or the
6 judicial branch must record and approve certain
7 invoices by a specified date; revising
8 provisions relating to the Department of
9 Financial Services' approval of payment of
10 certain invoices; providing that a vendor who
11 does not submit the appropriate federal
12 taxpayer identification documentation to the
13 department will be deemed an error on the part
14 of the vendor; revising references to conform;
15 amending s. 215.97, F.S.; removing a reference
16 to the appropriations act in a provision
17 relating to the purposes of the Florida Single
18 Audit Act; amending s. 216.011, F.S.; revising
19 the definition of "operating capital outlay";
20 defining the terms "incurred obligation" and
21 "salary rate reserve" for purposes of state
22 fiscal affairs, appropriations, and budgets;
23 amending s. 216.013, F.S.; revising
24 requirements for information regarding
25 performance measures to be included in the
26 long-range program plans of state agencies and
27 the judicial branch; revising a provision
28 relating to making adjustments to long-range
29 program plans; amending s. 216.023, F.S.;
30 revising certain requirements for legislative
31 budget requests; deleting a provision requiring

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1 agencies to maintain a certain performance
2 accountability system and provide a list of
3 performance measures; deleting a provision
4 relating to adjustments to executive agency
5 performance standards; deleting a provision
6 relating to adjustments to judicial branch
7 performance standards; amending s. 216.134,
8 F.S.; providing for the responsibility of
9 presiding over sessions of consensus estimating
10 conferences; providing for the Governor, the
11 coordinator of the Office of Economic and
12 Demographic Research, the President of the
13 Senate, and the Speaker of the House of
14 Representatives to designate principals;
15 amending s. 216.136, F.S.; deleting provisions
16 providing for the appointment of principals of
17 consensus estimating conferences; revising the
18 duties of certain agencies relating to the
19 Criminal Justice Estimating Conference, the
20 Social Services Estimating Conference, and the
21 Workforce Estimating Conference; amending s.
22 216.177, F.S.; clarifying the circumstances
23 under which the Executive Office of the
24 Governor and the Chief Justice of the Supreme
25 Court are required to provide notice to the
26 chair and vice chair of the Legislative Budget
27 Commission; amending s. 216.181, F.S.;
28 providing that amendments to certain approved
29 operating budgets are subject to objection
30 procedures; requiring that state agencies
31 submit to the chair and vice chair of the

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1 Legislative Budget Commission a plan for
2 allocating any lump-sum appropriation in a
3 budget amendment; creating s. 216.1811, F.S.;
4 providing requirements for the Governor and the
5 Chief Financial Officer relating to certain
6 approved operating budgets for the legislative
7 branch and appropriations made to the
8 legislative branch; amending s. 216.1815, F.S.;
9 revising certain requirements for the
10 performance standards included in an amended
11 operating budget plan and request submitted to
12 the Legislative Budget Commission; creating s.
13 216.1827, F.S.; requiring that each state
14 agency and the judicial branch maintain a
15 performance accountability system; requiring
16 agencies and the judicial branch to submit
17 specified information to the Executive Office
18 of the Governor and the Legislature or the
19 Office of Program Policy Analysis and
20 Government Accountability for review; providing
21 guidelines for requests to delete or amend
22 existing approved performance measures and
23 standards; specifying authority of the
24 Legislature relating to agency and judicial
25 branch performance measures and standards;
26 amending s. 216.251, F.S.; prohibiting an
27 agency from providing salary increases or pay
28 additives for certain positions without
29 legislative authorization; amending s. 216.292,
30 F.S.; providing that certain transfers between
31 budget entities are subject to objection

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1 procedures; clarifying provisions authorizing
 2 certain transfers of appropriations from trust
 3 funds; providing that requirements of specified
 4 provisions relating to appropriations being
 5 nontransferable do not apply to legislative
 6 branch budgets; amending s. 216.301, F.S.;
 7 revising the requirements for undisbursed
 8 balances of appropriations; revising a
 9 procedure for identifying and paying incurred
 10 obligations; clarifying requirements governing
 11 unexpended balances of appropriations; removing
 12 a provision relating to notification to retain
 13 certain balances from legislative budget
 14 entities; amending s. 252.37, F.S.; providing
 15 that a transfer of moneys with a budget
 16 amendment following a state of emergency is
 17 subject to approval by the Legislative Budget
 18 Commission; amending s. 273.02, F.S.; revising
 19 a definition; requiring the Chief Financial
 20 Officer to establish certain requirements by
 21 rule relating to the recording and inventory of
 22 certain state-owned property; creating s.
 23 273.025, F.S.; requiring the Chief Financial
 24 Officer to establish by rule certain
 25 requirements relating to the capitalization of
 26 certain property; amending s. 273.055, F.S.;
 27 revising responsibility for rules relating to
 28 maintaining records as to disposition of
 29 state-owned tangible personal property;
 30 revising a provision relating to use of moneys
 31 received from the disposition of state-owned

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1 tangible personal property; amending s. 274.02,
2 F.S.; revising a definition; requiring the
3 Chief Financial Officer to establish by rule
4 requirements relating to the recording and
5 inventory of certain property owned by local
6 governments; amending s. 338.2216, F.S.;
7 revising requirements relating to unexpended
8 funds appropriated or provided for the Florida
9 Turnpike Enterprise; amending s. 1011.57, F.S.;
10 revising requirements relating to unexpended
11 funds appropriated to the Florida School for
12 the Deaf and the Blind; repealing s. 215.29,
13 F.S., relating to the classification of Chief
14 Financial Officer's warrants; providing
15 effective dates.

16

17 Be It Enacted by the Legislature of the State of Florida:

18

19 Section 1. Subsection (3) of section 11.243, Florida
20 Statutes, is amended to read:

21 11.243 Publishing Florida Statutes; price, sale.--

22 (3) All moneys collected from the sale of the Florida
23 Statutes or other publications shall be deposited in the
24 Grants and Donations Trust Fund within the Legislature State
25 ~~Treasury and credited to the appropriation for legislative~~
26 ~~expense.~~

27 Section 2. Subsections (2) and (3) of section 11.513,
28 Florida Statutes, are amended, present subsections (5) and (6)
29 of that section are renumbered as subsections (6) and (7),
30 respectively, and a new subsection (5) is added to that
31 section, to read:

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1 11.513 Program evaluation and justification review.--

2 (2) A state agency's inspector general, internal
3 auditor, or other person designated by the agency head or the
4 Chief Justice of the Supreme Court shall develop, in
5 consultation with the Office of Program Policy Analysis and
6 Government Accountability, a plan for monitoring and reviewing
7 the state agency's or the judicial branch's major programs to
8 ensure that performance measures and standards, as well as
9 baseline and previous-year performance data, are maintained
10 and supported by agency records.

11 (3) The program evaluation and justification review
12 shall be conducted on major programs, but may include other
13 programs. The review shall be comprehensive in its scope but,
14 at a minimum, must be conducted in such a manner as to
15 specifically determine the following, and to consider and
16 determine what changes, if any, are needed with respect
17 thereto:

18 (a) The identifiable cost of each program.

19 (b) The specific purpose of each program, as well as
20 the specific public benefit derived therefrom.

21 (c) Progress toward achieving the outputs and outcomes
22 associated with each program.

23 (d) An explanation of circumstances contributing to
24 the state agency's ability to achieve, not achieve, or exceed
25 its projected outputs and outcomes, as defined in s. 216.011,
26 associated with each program.

27 (e) Alternate courses of action that would result in
28 administration of the same program in a more efficient or
29 effective manner. The courses of action to be considered must
30 include, but are not limited to:

31 1. Whether the program could be organized in a more

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efficient and effective manner, whether the program's mission, goals, or objectives should be redefined, or, when the state agency cannot demonstrate that its efforts have had a positive effect, whether the program should be reduced in size or eliminated.

2. Whether the program could be administered more efficiently or effectively to avoid duplication of activities and ensure that activities are adequately coordinated.

3. Whether the program could be performed more efficiently or more effectively by another unit of government or a private entity, or whether a program performed by a private entity could be performed more efficiently and effectively by a state agency.

4. When compared to costs, whether effectiveness warrants elimination of the program or, if the program serves a limited interest, whether it should be redesigned to require users to finance program costs.

5. Whether the cost to administer the program exceeds license and other fee revenues paid by those being regulated.

6. Whether other changes could improve the efficiency and effectiveness of the program.

(f) The consequences of discontinuing such program. If any discontinuation is recommended, such recommendation must be accompanied by a description of alternatives to implement such recommendation, including an implementation schedule for discontinuation and recommended procedures for assisting state agency employees affected by the discontinuation.

(g) Determination as to public policy, which may include recommendations as to whether it would be sound public policy to continue or discontinue funding the program, either in whole or in part, in the existing manner.

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1 (h) Whether current performance measures and standards
2 should be reviewed or amended to assist agencies' and the
3 judicial branch's efforts in achieving outputs and outcome
4 measures.

5 (i)(h) Whether the information reported as part of the
6 state's performance-based program budgeting system has
7 relevance and utility for the evaluation of each program.

8 (j)(i) Whether state agency management has established
9 control systems sufficient to ensure that performance data are
10 maintained and supported by state agency records and
11 accurately presented in state agency performance reports.

12 (5) The Office of Program Policy Analysis and
13 Government Accountability may perform evaluation and
14 justification reviews when necessary and as directed by the
15 Legislature in order to determine whether current agency and
16 judicial branch performance measures and standards are
17 adequate. Reports concerning the evaluation and review of
18 agency performance measures and standards shall be submitted
19 to the Executive Office of the Governor, the President of the
20 Senate, the Speaker of the House of Representatives, and the
21 chair and vice chair of the Legislative Budget Commission.

22 Section 3. Paragraph (h) of subsection (1) of section
23 20.435, Florida Statutes, is amended to read:

24 20.435 Department of Health; trust funds.--

25 (1) The following trust funds are hereby created, to
26 be administered by the Department of Health:

27 (h) Biomedical Research Trust Fund.

28 1. Funds to be credited to the trust fund shall
29 consist of funds deposited pursuant to s. 215.5601. Funds
30 shall be used for the purposes of the James and Esther King
31 Biomedical Research Program as specified in ss. 215.5602 and

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288.955. The trust fund is exempt from the service charges imposed by s. 215.20.

2. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund. The department may invest these funds independently through the Chief Financial Officer or may negotiate a trust agreement with the State Board of Administration for the investment management of any balance in the trust fund.

3. Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance of any appropriation from the Biomedical Research Trust Fund which is not disbursed but which is obligated pursuant to contract or committed to be expended may be carried forward ~~certified by the Governor~~ for up to 3 years following the effective date of the original appropriation.

4. The trust fund shall, unless terminated sooner, be terminated on July 1, 2008.

Section 4. Section 215.18, Florida Statutes, is amended to read:

215.18 Transfers between funds; limitation.--Whenever there exists in any fund provided for by s. 215.32 a deficiency which would render such fund insufficient to meet its just requirements, and there shall exist in the other funds in the State Treasury moneys which are for the time being or otherwise in excess of the amounts necessary to meet the just requirements of such last-mentioned funds, the Governor may order a temporary transfer of moneys from one fund to another in order to meet temporary deficiencies in a particular fund without resorting to the necessity of

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1 borrowing money and paying interest thereon. Any action
 2 proposed under this section is subject to the notice and
 3 objection procedures set forth in s. 216.177, and the Governor
 4 shall provide notice of such action at least 7 days prior to
 5 the effective date of the transfer of funds.

6 (1) Except as otherwise provided in s.
 7 216.222(1)(a)2., the fund from which any money is temporarily
 8 transferred shall be repaid the amount transferred from it not
 9 later than the end of the fiscal year in which such transfer
 10 is made, the date of repayment to be specified in the order of
 11 the Governor.

12 (2) Notwithstanding subsection (1) and for the
 13 2005-2006 fiscal year only, the repayment period for funds
 14 temporarily transferred in fiscal year 2004-2005 to meet
 15 deficiencies resulting from hurricanes striking this state in
 16 2004 may be extended until grants awarded by the Federal
 17 Emergency Management Agency for FEMA Disaster Declarations
 18 1539-DR-FL, 1545-DR-FL, 1551-DR-FL, and 1561-DR-FL are
 19 received. This subsection expires July 1, 2006.

20 Section 5. Subsections (2) and (4) of section
 21 215.3206, Florida Statutes, are amended to read:

22 215.3206 Trust funds; termination or re-creation.--

23 (2) If the trust fund is terminated and not
 24 immediately re-created, all cash balances and income of the
 25 trust fund shall be deposited into the General Revenue Fund.
 26 The agency or Chief Justice shall pay any outstanding debts of
 27 the trust fund as soon as practicable, and the Chief Financial
 28 Officer shall close out and remove the trust fund from the
 29 various state financial ~~accounting~~ systems, using generally
 30 accepted accounting practices concerning warrants outstanding,
 31 assets, and liabilities. No appropriation or budget amendment

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shall be construed to authorize any encumbrance of funds from a trust fund after the date on which the trust fund is terminated or is judicially determined to be invalid.

(4) For the purposes of this section, the Governor, Chief Justice, and agencies shall review the trust funds as they are identified by a classification scheme set out in the legislative budget request instructions pursuant to s. 216.023 consistent with the Department of Financial Services' financial systems ~~by a unique 6-digit code in the Florida Accounting Information Resource Subsystem at a level composed of the 2-digit organization level 1, the 1-digit state fund type 2, and the first three digits of the fund identifier.~~ The Governor, Chief Justice, and agencies may also conduct their review and make recommendations concerning accounts within such trust funds.

Section 6. Subsection (1) and paragraph (a) of subsection (2) of section 215.3208, Florida Statutes, are amended to read:

215.3208 Trust funds; legislative review.--

(1) In order to implement s. 19(f), Art. III of the State Constitution, for the purpose of reviewing trust funds prior to their automatic termination pursuant to the provisions of s. 19(f)(2), Art. III of the State Constitution, the Legislature shall review all state trust funds at least once every 4 years. The schedule for such review may be included in the legislative budget instructions developed pursuant to the requirements of s. 216.023. The Legislature shall review trust funds as they are identified by a classification scheme set out in the legislative budget request instructions pursuant to s. 216.023 consistent with the Department of Financial Services' financial systems ~~by a~~

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~~unique 6-digit code in the Florida Accounting Information Resource Subsystem at a level composed of the 2-digit organization level 1, the 1-digit state fund type 2, and the first three digits of the fund identifier.~~ When a statutorily created trust fund that was in existence on November 4, 1992, has more than one fund 6-digit code in the financial systems, the Legislature may treat it as a single trust fund for the purposes of this section. The Legislature may also conduct its review concerning accounts within such trust funds.

(2)(a) When the Legislature terminates a trust fund, the agency or branch of state government that administers the trust fund shall pay any outstanding debts or obligations of the trust fund as soon as practicable, and the Chief Financial Officer shall close out and remove the trust fund from the various state financial ~~accounting~~ systems, using generally accepted accounting principles concerning assets, liabilities, and warrants outstanding.

Section 7. Section 215.35, Florida Statutes, is amended to read:

215.35 State funds; warrants and their issuance.--All warrants issued by the Chief Financial Officer shall be numbered in a manner that uniquely identifies each warrant for audit and reconciliation purposes ~~chronological order commencing with number one in each fiscal year and each warrant shall refer to the Chief Financial Officer's voucher by the number thereof, which voucher shall also be numbered as above set forth.~~ Each warrant shall state the name of the payee thereof and the amount allowed, and said warrant shall be stated in words at length. No warrant shall issue until same has been authorized by an appropriation made by law but such warrant need not state or set forth such authorization.

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1 The Chief Financial Officer shall register and maintain a
2 record of each warrant in his or her office. The record shall
3 show the funds, accounts, purposes, and departments involved
4 in the issuance of each warrant. In those instances where the
5 expenditure of funds of regulatory boards or commissions has
6 been provided for by laws other than the annual appropriations
7 bill, warrants shall be issued upon requisition to the Chief
8 Financial Officer by the governing body of such board or
9 commission.

10 Section 8. Subsections (1) and (2), paragraphs (a) and
11 (b) of subsection (3), and subsection (6) of section 215.422,
12 Florida Statutes, are amended to read:

13 215.422 Payments, warrants, ~~vouchers~~, and invoices;
14 processing time limits; dispute resolution; agency or judicial
15 branch compliance.--

16 (1) ~~The voucher authorizing payment of~~ An invoice
17 submitted to an agency of the state or the judicial branch,
18 required by law to be filed with the Chief Financial Officer,
19 shall be recorded in the financial systems of the state,
20 approved for payment by the agency or the judicial branch, and
21 filed with the Chief Financial Officer not later than 20 days
22 after receipt of the invoice and receipt, inspection, and
23 approval of the goods or services, except that in the case of
24 a bona fide dispute the invoice recorded in the financial
25 systems of the state ~~voucher~~ shall contain a statement of the
26 dispute and authorize payment only in the amount not disputed.
27 The Chief Financial Officer may establish dollar thresholds
28 and other criteria for all invoices and may delegate to a
29 state agency or the judicial branch responsibility for
30 maintaining the official invoices ~~vouchers~~ and documents for
31 invoices which do not exceed the thresholds or which meet the

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1 established criteria. Such records shall be maintained in
2 accordance with the requirements established by the Secretary
3 of State. The transmission of an approved invoice recorded in
4 the financial systems of the state ~~electronic payment request~~
5 ~~transmission~~ to the Chief Financial Officer shall constitute
6 filing of a request ~~voucher~~ for payment of invoices for which
7 the Chief Financial Officer has delegated to an agency custody
8 of official records. Approval and inspection of goods or
9 services shall take no longer than 5 working days unless the
10 bid specifications, purchase order, or contract specifies
11 otherwise. If an invoice ~~a voucher~~ filed within the 20-day
12 period is returned by the Department of Financial Services
13 because of an error, it shall nevertheless be deemed timely
14 filed. The 20-day filing requirement may be waived in whole or
15 in part by the Department of Financial Services on a showing
16 of exceptional circumstances in accordance with rules and
17 regulations of the department. For the purposes of determining
18 the receipt of invoice date, the agency or the judicial branch
19 is deemed to receive an invoice on the date on which a proper
20 invoice is first received at the place designated by the
21 agency or the judicial branch. The agency or the judicial
22 branch is deemed to receive an invoice on the date of the
23 invoice if the agency or the judicial branch has failed to
24 annotate the invoice with the date of receipt at the time the
25 agency or the judicial branch actually received the invoice or
26 failed at the time the order is placed or contract made to
27 designate a specific location to which the invoice must be
28 delivered.

29 (2) The Department of Financial Services shall approve
30 payment of an invoice no later than 10 days after the agency's
31 filing of the approved invoice ~~The warrant in payment of an~~

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1 ~~invoice submitted to an agency of the state or the judicial~~
2 ~~branch shall be issued not later than 10 days after filing of~~
3 ~~the voucher authorizing payment.~~ However, this requirement may
4 be waived in whole or in part by the Department of Financial
5 Services on a showing of exceptional circumstances in
6 accordance with rules and regulations of the department. If
7 the 10-day period contains fewer than 6 working days, the
8 Department of Financial Services shall be deemed in compliance
9 with this subsection if the payment is approved ~~warrant is~~
10 ~~issued~~ within 6 working days without regard to the actual
11 number of calendar days. ~~For purposes of this section, a~~
12 ~~payment is deemed to be issued on the first working day that~~
13 ~~payment is available for delivery or mailing to the vendor.~~

14 (3)(a) Each agency of the state or the judicial branch
15 which is required by law to file invoices ~~vouchers~~ with the
16 Chief Financial Officer shall keep a record of the date of
17 receipt of the invoice; dates of receipt, inspection, and
18 approval of the goods or services; date of filing of the
19 approved invoice ~~voucher~~; and date of issuance of the warrant
20 in payment thereof. If the invoice ~~voucher~~ is not filed or the
21 warrant is not issued within the time required, an explanation
22 in writing by the agency head or the Chief Justice shall be
23 submitted to the Department of Financial Services in a manner
24 prescribed by it. Agencies and the judicial branch shall
25 continue to deliver or mail state payments promptly.

26 (b) If a warrant in payment of an invoice is not
27 issued within 40 days after receipt of the invoice and
28 receipt, inspection, and approval of the goods and services,
29 the agency or judicial branch shall pay to the vendor, in
30 addition to the amount of the invoice, interest at a rate as
31 established pursuant to s. 55.03(1) on the unpaid balance from

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1 the expiration of such 40-day period until such time as the
2 warrant is issued to the vendor. Such interest shall be added
3 to the invoice at the time of submission to the Chief
4 Financial Officer for payment whenever possible. If addition
5 of the interest penalty is not possible, the agency or
6 judicial branch shall pay the interest penalty payment within
7 15 days after issuing the warrant. The provisions of this
8 paragraph apply only to undisputed amounts for which payment
9 has been authorized. Disputes shall be resolved in accordance
10 with rules developed and adopted by the Chief Justice for the
11 judicial branch, and rules adopted by the Department of
12 Financial Services or in a formal administrative proceeding
13 before an administrative law judge of the Division of
14 Administrative Hearings for state agencies, provided that, for
15 the purposes of ss. 120.569 and 120.57(1), no party to a
16 dispute involving less than \$1,000 in interest penalties shall
17 be deemed to be substantially affected by the dispute or to
18 have a substantial interest in the decision resolving the
19 dispute. In the case of an error on the part of the vendor,
20 the 40-day period shall begin to run upon receipt by the
21 agency or the judicial branch of a corrected invoice or other
22 remedy of the error. For purposes of this section, the
23 non-submittal of the appropriate federal taxpayer
24 identification documentation to the Department of Financial
25 Services by the vendor will be deemed an error on the part of
26 the vendor and the vendor will be required to submit the
27 appropriate federal taxpayer documentation in order to remedy
28 the error. The provisions of this paragraph do not apply when
29 the filing requirement under subsection (1) or subsection (2)
30 has been waived in whole by the Department of Financial
31 Services. The various state agencies and the judicial branch

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1 shall be responsible for initiating the penalty payments
2 required by this subsection and shall use this subsection as
3 authority to make such payments. The budget request submitted
4 to the Legislature shall specifically disclose the amount of
5 any interest paid by any agency or the judicial branch
6 pursuant to this subsection. The temporary unavailability of
7 funds to make a timely payment due for goods or services does
8 not relieve an agency or the judicial branch from the
9 obligation to pay interest penalties under this section.

10 (6) The Department of Financial Services shall monitor
11 each agency's and the judicial branch's compliance with the
12 time limits and interest penalty provisions of this section.
13 The department shall provide a report to an agency or to the
14 judicial branch if the department determines that the agency
15 or the judicial branch has failed to maintain an acceptable
16 rate of compliance with the time limits and interest penalty
17 provisions of this section. The department shall establish
18 criteria for determining acceptable rates of compliance. The
19 report shall also include a list of late invoices ~~vouchers~~ or
20 payments, the amount of interest owed or paid, and any
21 corrective actions recommended. The department shall perform
22 monitoring responsibilities, pursuant to this section, using
23 the Department of Financial Services' financial systems
24 ~~Management Services and Purchasing Subsystem or the Florida~~
25 ~~Accounting Information Resource Subsystem~~ provided in s.
26 215.94. Each agency and the judicial branch shall be
27 responsible for the accuracy of information entered into the
28 Department of Management Services' procurement system
29 ~~Management Services and Purchasing Subsystem~~ and the
30 Department of Financial Services' financial systems ~~Florida~~
31 ~~Accounting Information Resource Subsystem~~ for use in this

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1 monitoring.

2 Section 9. Paragraph (d) of subsection (1) of section
3 215.97, Florida Statutes, is amended to read:

4 215.97 Florida Single Audit Act.--

5 (1) The purposes of the section are to:

6 (d) Provide for identification of state financial
7 assistance transactions in the ~~appropriations act~~, state
8 accounting records, and recipient organization records.

9 Section 10. Effective upon this act becoming a law,
10 paragraph (bb) of subsection (1) of section 216.011, Florida
11 Statutes, is amended, and paragraphs (tt) and (uu) are added
12 to that subsection, to read:

13 216.011 Definitions.--

14 (1) For the purpose of fiscal affairs of the state,
15 appropriations acts, legislative budgets, and approved
16 budgets, each of the following terms has the meaning
17 indicated:

18 (bb) "Operating capital outlay" means the
19 appropriation category used to fund equipment, fixtures, and
20 other tangible personal property of a nonconsumable and
21 nonexpendable nature under s. 273.025, ~~according to the value~~
22 ~~or cost specified in s. 273.02~~.

23 (tt) "Incurred obligation" means a legal obligation
24 for goods or services that have been contracted for, referred
25 to as an encumbrance in the state's financial system, or
26 received or incurred by the state and referred to as a payable
27 in the state's financial system.

28 (uu) "Salary rate reserve" means the withholding of a
29 portion of the annual salary rate for a specific purpose.

30 Section 11. Paragraphs (h) through (k) are added to
31 subsection (1) of section 216.013, Florida Statutes, and

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1 subsection (5) of that section is amended, to read:

2 216.013 Long-range program plan.--State agencies and
3 the judicial branch shall develop long-range program plans to
4 achieve state goals using an interagency planning process that
5 includes the development of integrated agency program service
6 outcomes. The plans shall be policy based, priority driven,
7 accountable, and developed through careful examination and
8 justification of all agency and judicial branch programs.

9 (1) Long-range program plans shall provide the
10 framework for the development of budget requests and shall
11 identify or update:

12 (h) Legislatively approved output and outcome
13 performance measures.

14 (i) Performance standards for each performance measure
15 and justification for the standards and the sources of data to
16 be used for measurement.

17 (j) Prior-year performance data on approved
18 performance measures and an explanation of deviation from
19 expected performance. Performance data must be assessed for
20 reliability in accordance with s. 20.055.

21 (k) Proposed performance incentives and disincentives.

22 (5) ~~Following the adoption of the annual General~~
23 ~~Appropriations Act~~, The state agencies and the judicial branch
24 shall make appropriate adjustments to their long-range program
25 plans, excluding adjustments to performance measures and
26 standards, to be consistent with the appropriations ~~and~~
27 ~~performance measures~~ in the General Appropriations Act and
28 legislation implementing the General Appropriations Act.
29 Agencies and the judicial branch have 30 days subsequent to
30 the effective date of the General Appropriations Act and
31 implementing legislation ~~until June 30~~ to make adjustments to

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1 their plans as posted on their Internet websites.

2 Section 12. Paragraph (a) of subsection (4) and
3 subsections (5), (6), and (8) of section 216.023, Florida
4 Statutes, are amended, and subsections (7), (9), (10), (11),
5 and (12) are renumbered as subsections (5), (6), (7), (8), and
6 (9), respectively, to read:

7 216.023 Legislative budget requests to be furnished to
8 Legislature by agencies.--

9 (4)(a) The legislative budget request must contain for
10 each program:

11 1. The constitutional or statutory authority for a
12 program, a brief purpose statement, and approved program
13 components.

14 2. Information on expenditures for 3 fiscal years
15 (actual prior-year expenditures, current-year estimated
16 expenditures, and agency budget requested expenditures for the
17 next fiscal year) by appropriation category.

18 3. Details on trust funds and fees.

19 4. The total number of positions (authorized, fixed,
20 and requested).

21 5. An issue narrative describing and justifying
22 changes in amounts and positions requested for current and
23 proposed programs for the next fiscal year.

24 6. Information resource requests.

25 ~~7. Legislatively approved Output and outcome~~
26 ~~performance measures and any proposed revisions to measures.~~

27 ~~8. Proposed performance standards for each performance~~
28 ~~measure and justification for the standards and the sources of~~
29 ~~data to be used for measurement.~~

30 ~~9. Prior-year performance data on approved performance~~
31 ~~measures and an explanation of deviation from expected~~

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~~performance. Performance data must be assessed for reliability in accordance with s. 20.055.~~

~~10. Proposed performance incentives and disincentives.~~

~~7.11. Supporting information, including applicable cost-benefit analyses, business case analyses, performance contracting procedures, service comparisons, and impacts on performance standards for any request to outsource or privatize agency functions.~~

~~8.12. An evaluation of any major outsourcing and privatization initiatives undertaken during the last 5 fiscal years having aggregate expenditures exceeding \$10 million during the term of the contract. The evaluation shall include an assessment of contractor performance, a comparison of anticipated service levels to actual service levels, and a comparison of estimated savings to actual savings achieved. Consolidated reports issued by the Department of Management Services may be used to satisfy this requirement.~~

~~(5) Agencies must maintain a comprehensive performance accountability system and provide a list of performance measures maintained by the agency which are in addition to the measures approved by the Legislature.~~

~~(6) Annually, by June 30, executive agencies shall submit to the Executive Office of the Governor adjustments to their performance standards based on the amounts appropriated for each program by the Legislature. When such an adjustment is made, all performance standards, including any adjustments made, shall be reviewed and revised as necessary by the Executive Office of the Governor and, upon approval, submitted to the Legislature pursuant to the review and approval process provided in s. 216.177. The Senate and the House of Representatives appropriations committees shall advise Senate~~

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1 ~~substantive committees and House of Representatives~~
2 ~~substantive committees, respectively, of all adjustments made~~
3 ~~to performance standards or measures. The Executive Office of~~
4 ~~the Governor shall maintain the official record of adjustments~~
5 ~~to the performance standards. As used in this section, the~~
6 ~~term "official record" means the official compilation of~~
7 ~~information about state agency performance-based programs and~~
8 ~~measures, including approved programs, approved outputs and~~
9 ~~outcomes, baseline data, approved standards for each~~
10 ~~performance measure and any approved adjustments thereto, as~~
11 ~~well as actual agency performance for each measure.~~

12 ~~(8) Annually, by June 30, the judicial branch shall~~
13 ~~make adjustments to any performance standards for approved~~
14 ~~programs based on the amount appropriated for each program,~~
15 ~~which shall be submitted to the Legislature pursuant to the~~
16 ~~notice and review process provided in s. 216.177. The Senate~~
17 ~~and the House of Representatives appropriations committees~~
18 ~~shall advise Senate substantive committees and House~~
19 ~~substantive committees, respectively, of all adjustments made~~
20 ~~to performance standards or measures.~~

21 Section 13. Paragraph (a) of subsection (4) of section
22 216.134, Florida Statutes, is amended, and paragraph (c) is
23 added to that subsection, to read:

24 216.134 Consensus estimating conferences; general
25 provisions.--

26 (4) Consensus estimating conferences are within the
27 legislative branch. The membership of each consensus
28 estimating conference consists of principals and participants.

29 (a) A person designated by law as a principal may
30 preside over conference sessions, convene conference sessions,
31 request information, specify topics to be included on the

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conference agenda, agree or withhold agreement on whether information is to be official information of the conference, release official information of the conference, interpret official information of the conference, and monitor errors in official information of the conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals.

(c) The principals of each conference shall be professional staff of the Executive Office of the Governor designated by the Governor, the coordinator of the Office of Economic and Demographic Research, professional staff of the Senate designated by the President of the Senate, and professional staff of the House of Representatives designated by the Speaker of the House of Representatives. The coordinator of the Office of Economic and Demographic Research may designate other professional staff within that office to act as principals on the conferences.

Section 14. Section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.--

(1) ECONOMIC ESTIMATING CONFERENCE.--

~~(a) Duties.~~ The Economic Estimating Conference shall develop such official information with respect to the national and state economies as the conference determines is needed for the state planning and budgeting system. The basic, long-term forecasts which are a part of its official information shall be trend forecasts. However, the conference may include cycle forecasts as a part of its official information if the subject matter of the forecast warrants a cycle forecast and if such forecast is developed in a special impact session of the

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conference.

~~(b) Principals.--The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the principals of the Economic Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals.~~

(2) DEMOGRAPHIC ESTIMATING CONFERENCE.--

~~(a) Duties.--~~The Demographic Estimating Conference shall develop such official information with respect to the population of the nation and state by age, race, and sex as the conference determines is needed for the state planning and budgeting system. The conference shall use the official population estimates provided under s. 186.901 in developing its official information.

~~(b) Principals.--The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the principals of the Demographic Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals.~~

(3) REVENUE ESTIMATING CONFERENCE.--

~~(a) Duties.--~~The Revenue Estimating Conference shall develop such official information with respect to anticipated state and local government revenues as the conference determines is needed for the state planning and budgeting system. Any principal may request the conference to review and estimate revenues for any trust fund.

~~(b) Principals.--The Executive Office of the Governor,~~

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~~the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the principals of the Revenue Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals.~~

(4) EDUCATION ESTIMATING CONFERENCE.--

(a) ~~Duties.~~--The Education Estimating Conference shall develop such official information relating to the state public and private educational system, including forecasts of student enrollments, the number of students qualified for state financial aid programs and for the William L. Boyd, IV, Florida Resident Access Grant Program and the appropriation required to fund the full award amounts for each program, fixed capital outlay needs, and Florida Education Finance Program formula needs, as the conference determines is needed for the state planning and budgeting system. The conference's initial projections of enrollments in public schools shall be forwarded by the conference to each school district no later than 2 months prior to the start of the regular session of the Legislature. Each school district may, in writing, request adjustments to the initial projections. Any adjustment request shall be submitted to the conference no later than 1 month prior to the start of the regular session of the Legislature and shall be considered by the principals of the conference. A school district may amend its adjustment request, in writing, during the first 3 weeks of the legislative session, and such amended adjustment request shall be considered by the principals of the conference. For any adjustment so requested, the district shall indicate and explain, using definitions adopted by the conference, the

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1 components of anticipated enrollment changes that correspond
2 to continuation of current programs with workload changes;
3 program improvement; program reduction or elimination;
4 initiation of new programs; and any other information that may
5 be needed by the Legislature. For public schools, the
6 conference shall submit its full-time equivalent student
7 consensus estimate to the Legislature no later than 1 month
8 after the start of the regular session of the Legislature. No
9 conference estimate may be changed without the agreement of
10 the full conference.

11 (b) ~~Adjustments.~~—No later than 2 months prior to the
12 start of the regular session of the Legislature, the
13 conference shall forward to each eligible postsecondary
14 education institution its initial projections of the number of
15 students qualified for state financial aid programs and the
16 appropriation required to fund those students at the full
17 award amount. Each postsecondary education institution may
18 request, in writing, adjustments to the initial projection.
19 Any adjustment request must be submitted to the conference no
20 later than 1 month prior to the start of the regular session
21 of the Legislature and shall be considered by the principals
22 of the conference. For any adjustment so requested, the
23 postsecondary education institution shall indicate and
24 explain, using definitions adopted by the conference, the
25 components of anticipated changes that correspond to
26 continuation of current programs with enrollment changes,
27 program reduction or elimination, initiation of new programs,
28 award amount increases or decreases, and any other information
29 that is considered by the conference. The conference shall
30 submit its consensus estimate to the Legislature no later than
31 1 month after the start of the regular session of the

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1 Legislature. No conference estimate may be changed without the
2 agreement of the full conference.

3 ~~(c) Principals. The Commissioner of Education, the~~
4 ~~Executive Office of the Governor, the coordinator of the~~
5 ~~Office of Economic and Demographic Research, and professional~~
6 ~~staff of the Senate and House of Representatives who have~~
7 ~~forecasting expertise, or their designees, are the principals~~
8 ~~of the Education Estimating Conference. The Commissioner of~~
9 ~~Education or his or her designee shall preside over sessions~~
10 ~~of the conference.~~

11 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

12 ~~(a) Duties.--~~The Criminal Justice Estimating
13 Conference shall:

14 (a)1. Develop such official information relating to
15 the criminal justice system, including forecasts of prison
16 admissions and population and of supervised felony offender
17 admissions and population, as the conference determines is
18 needed for the state planning and budgeting system.

19 (b)2. Develop such official information relating to
20 the number of eligible discharges and the projected number of
21 civil commitments for determining space needs pursuant to the
22 civil proceedings provided under part V of chapter 394.

23 (c)3. Develop official information relating to the
24 number of sexual offenders and sexual predators who are
25 required by law to be placed on community control, probation,
26 or conditional release who are subject to electronic
27 monitoring. ~~In addition, the Office of Economic and~~
28 ~~Demographic Research shall study the factors relating to the~~
29 ~~sentencing of sex offenders from the point of arrest through~~
30 ~~the imposition of sanctions by the sentencing court, including~~
31 ~~original charges, plea negotiations, trial dispositions, and~~

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~~sanctions. The Department of Corrections, the Office of the State Courts Administrator, the Florida Department of Law Enforcement, and the state attorneys shall provide information deemed necessary for the study. The final report shall be provided to the President of the Senate and the Speaker of the House of Representatives by March 1, 2006.~~

~~(b) Principals.--The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff, who have forecasting expertise, from the Senate, the House of Representatives, and the Supreme Court, or their designees, are the principals of the Criminal Justice Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.~~

(6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

~~(a) Duties.--~~

(a)1. The Social Services Estimating Conference shall develop such official information relating to the social services system of the state, including forecasts of social services caseloads, utilization, and expenditures, as the conference determines is needed for the state planning and budgeting system. Such official information shall include, but not be limited to, cash assistance and Medicaid caseloads.

(b)2. The Social Services Estimating Conference shall develop information relating to the Florida Kidcare program, including, but not limited to, outreach impacts, enrollment, caseload, utilization, and expenditure information that the conference determines is needed to plan for and project future budgets and the drawdown of federal matching funds. ~~The agencies required to collect and analyze Florida Kidcare program data under s. 409.8134 shall be participants in the~~

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~~Social Services Estimating Conference for purposes of developing information relating to the Florida Kidcare program.~~

~~(b) Principals. The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, professional staff who have forecasting expertise from the Department of Children and Family Services, the Agency for Health Care Administration, the Senate, and the House of Representatives, or their designees, are the principals of the Social Services Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.~~

(7) WORKFORCE ESTIMATING CONFERENCE.--

~~(a) Duties.--~~

(a)~~1~~. The Workforce Estimating Conference shall develop such official information on the workforce development system planning process as it relates to the personnel needs of current, new, and emerging industries as the conference determines is needed by the state planning and budgeting system. Such information, using quantitative and qualitative research methods, must include at least: short-term and long-term forecasts of employment demand for jobs by occupation and industry; entry and average wage forecasts among those occupations; and estimates of the supply of trained and qualified individuals available or potentially available for employment in those occupations, with special focus upon those occupations and industries which require high skills and have high entry wages and experienced wage levels. In the development of workforce estimates, the conference shall use, to the fullest extent possible, local occupational and workforce forecasts and estimates.

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1 ~~(b)2.~~ The Workforce Estimating Conference shall review
2 data concerning the local and regional demands for short-term
3 and long-term employment in High-Skills/High-Wage Program
4 jobs, as well as other jobs, which data is generated through
5 surveys conducted as part of the state's Internet-based job
6 matching and labor market information system authorized under
7 s. 445.011. The conference shall consider such data in
8 developing its forecasts for statewide employment demand,
9 including reviewing the local and regional data for common
10 trends and conditions among localities or regions which may
11 warrant inclusion of a particular occupation on the statewide
12 occupational forecasting list developed by the conference.
13 Based upon its review of such survey data, the conference
14 shall also make recommendations semiannually to Workforce
15 Florida, Inc., on additions or deletions to lists of locally
16 targeted occupations approved by Workforce Florida, Inc.

17 ~~3. During each legislative session, and at other times~~
18 ~~if necessary, the Workforce Estimating Conference shall meet~~
19 ~~as the Workforce Impact Conference for the purpose of~~
20 ~~determining the effects of legislation related to the state's~~
21 ~~workforce and economic development efforts introduced prior to~~
22 ~~and during such legislative session. In addition to the~~
23 ~~designated principals of the impact conference, nonprincipal~~
24 ~~participants of the impact conference shall include a~~
25 ~~representative of the Florida Chamber of Commerce and other~~
26 ~~interested parties. The impact conference shall use both~~
27 ~~quantitative and qualitative research methods to determine the~~
28 ~~impact of introduced legislation related to workforce and~~
29 ~~economic development issues.~~

30 ~~(c)4.~~ Notwithstanding subparagraph 3., The Workforce
31 Estimating Conference, for the purposes described in paragraph

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1 ~~(a) subparagraph 1.~~, shall meet no less than 2 times in a
2 calendar year. The first meeting shall be held in February,
3 and the second meeting shall be held in August. Other meetings
4 may be scheduled as needed.

5 ~~(b) Principals.--The Commissioner of Education, the~~
6 ~~Executive Office of the Governor, the director of the Office~~
7 ~~of Tourism, Trade, and Economic Development, the director of~~
8 ~~the Agency for Workforce Innovation, the executive director of~~
9 ~~the Commission for Independent Education, the Chancellor of~~
10 ~~the State University System, the chair of Workforce Florida,~~
11 ~~Inc., the coordinator of the Office of Economic and~~
12 ~~Demographic Research, or their designees, and professional~~
13 ~~staff from the Senate and the House of Representatives who~~
14 ~~have forecasting and substantive expertise, are the principals~~
15 ~~of the Workforce Estimating Conference. In addition to the~~
16 ~~designated principals of the conference, nonprincipal~~
17 ~~participants of the conference shall include a representative~~
18 ~~of the Florida Chamber of Commerce and other interested~~
19 ~~parties. The principal representing the Executive Office of~~
20 ~~the Governor shall preside over the sessions of the~~
21 ~~conference.~~

22 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.--

23 ~~(a) Duties.--~~

24 (a)1. The Early Learning Programs Estimating
25 Conference shall develop estimates and forecasts of the
26 unduplicated count of children eligible for school readiness
27 programs in accordance with the standards of eligibility
28 established in s. 411.01(6), and of children eligible for the
29 Voluntary Prekindergarten Education Program in accordance with
30 s. 1002.53(2), as the conference determines are needed to
31 support the state planning, budgeting, and appropriations

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processes.

~~(b)2.~~ The Agency for Workforce Innovation shall provide information on needs and waiting lists for school readiness programs, and information on the needs for the Voluntary Prekindergarten Education Program, as requested by the Early Learning Programs Estimating Conference or individual conference principals in a timely manner.

~~(b) Principals.--The Executive Office of the Governor, the Director of Economic and Demographic Research, and professional staff who have forecasting expertise from the Agency for Workforce Innovation, the Department of Children and Family Services, the Department of Education, the Senate, and the House of Representatives, or their designees, are the principals of the Early Learning Programs Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.~~

(9) SELF-INSURANCE ESTIMATING CONFERENCE.--

~~(a) Duties.--~~The Self-Insurance Estimating Conference shall develop such official information on self-insurance related issues as the conference determines is needed by the state planning and budgeting system.

~~(b) Principals.--The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and the House of Representatives who have forecasting and substantive experience, or their designees, are the principals of the Self-Insurance Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals.~~

(10) FLORIDA RETIREMENT SYSTEM ACTUARIAL ASSUMPTION CONFERENCE.--

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1 ~~(a) Duties.--~~The Florida Retirement System Actuarial
2 Assumption Conference shall develop official information with
3 respect to the economic and noneconomic assumptions and
4 funding methods of the Florida Retirement System necessary to
5 perform the system actuarial study undertaken pursuant to s.
6 121.031(3). Such information shall include: an analysis of the
7 actuarial assumptions and actuarial methods used in the study
8 and a determination of whether changes to the assumptions or
9 methods need to be made due to experience changes or revised
10 future forecasts.

11 ~~(b) Principals.--The Executive Office of the Governor,~~
12 ~~the coordinator of the Office of Economic and Demographic~~
13 ~~Research, and professional staff of the Senate and House of~~
14 ~~Representatives who have forecasting and substantive~~
15 ~~expertise, or their designees, are the principals of the~~
16 ~~Florida Retirement System Actuarial Assumption Conference. The~~
17 ~~Executive Office of the Governor shall have the responsibility~~
18 ~~of presiding over the sessions of the conference. The State~~
19 ~~Board of Administration and the Division of Retirement shall~~
20 ~~be participants in the conference.~~

21 Section 15. Paragraph (a) of subsection (2) of section
22 216.177, Florida Statutes, is amended to read:

23 216.177 Appropriations acts, statement of intent,
24 violation, notice, review and objection procedures.--

25 (2)(a) Whenever notice of action to be taken by the
26 Executive Office of the Governor or the Chief Justice of the
27 Supreme Court is required by law ~~this chapter~~, such notice
28 shall be given to the chair and vice chair of the Legislative
29 Budget Commission in writing, and shall be delivered at least
30 14 days prior to the action referred to, unless a shorter
31 period is approved in writing by the chair and vice chair or a

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1 different period is specified by law. If the action is solely
2 for the release of funds appropriated by the Legislature, the
3 notice shall be delivered at least 3 days before the effective
4 date of the action. Action shall not be taken on any budget
5 item for which this chapter requires notice to the Legislative
6 Budget Commission or the appropriations committees without
7 such notice having been provided, even though there may be
8 good cause for considering such item.

9 Section 16. Subsections (3), (5), (6), paragraph (a)
10 of subsection (8), paragraph (a) of subsection (10), and
11 subsection (11) of section 216.181, Florida Statutes, are
12 amended to read:

13 216.181 Approved budgets for operations and fixed
14 capital outlay.--

15 (3) All amendments to original approved operating
16 budgets, regardless of funding source, are subject to the
17 notice and objection ~~review~~ procedures set forth in s.
18 216.177.

19 (5) An amendment to the original operating budget for
20 an information technology project or initiative that involves
21 more than one agency, has an outcome that impacts another
22 agency, or exceeds \$500,000 in total cost over a 1-year
23 period, except for those projects that are a continuation of
24 hardware or software maintenance or software licensing
25 agreements, or that are for desktop replacement that is
26 similar to the technology currently in use must be reviewed by
27 the Technology Review Workgroup pursuant to s. 216.0446 and
28 approved by the Executive Office of the Governor for the
29 executive branch or by the Chief Justice for the judicial
30 branch, and shall be subject to the notice and objection
31 ~~review~~ procedures set forth in s. 216.177.

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1 (6)(a) A detailed plan allocating a lump-sum
2 appropriation to traditional appropriations categories shall
3 be submitted by the affected agency to the Executive Office of
4 the Governor or the Chief Justice of the Supreme Court. The
5 Executive Office of the Governor and the Chief Justice of the
6 Supreme Court shall submit such plan to the chair and vice
7 chair of the Legislative Budget Commission either before or
8 concurrent with the submission of any budget amendment that
9 recommends the transfer and release of ~~may require the~~
10 ~~submission of a detailed plan from the agency or entity of the~~
11 ~~judicial branch affected, consistent with the General~~
12 ~~Appropriations Act, special appropriations acts, and~~
13 ~~statements of intent before transferring and releasing the~~
14 ~~balance of a lump-sum appropriation.~~

15 (b) The Executive Office of the Governor and the Chief
16 Justice of the Supreme Court may amend, without approval of
17 the Legislative Budget Commission, state agency and judicial
18 branch entity budgets, respectively, to reflect the
19 transferred funds and to provide the associated increased
20 salary rate based on the approved plans for lump-sum
21 appropriations. Any action proposed pursuant to this paragraph
22 is subject to the procedures set forth in s. 216.177.

23
24 The Executive Office of the Governor shall transmit to each
25 state agency and the Chief Financial Officer, and the Chief
26 Justice shall transmit to each judicial branch component and
27 the Chief Financial Officer, any approved amendments to the
28 approved operating budgets.

29 (8) As part of the approved operating budget, the
30 Executive Office of the Governor shall furnish to each state
31 agency, and the Chief Justice of the Supreme Court shall

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1 furnish to the entity of the judicial branch, an approved
2 annual salary rate for each budget entity containing a salary
3 appropriation. This rate shall be based upon the actual salary
4 rate and shall be consistent with the General Appropriations
5 Act or special appropriations acts. The annual salary rate
6 shall be:

7 (a) Determined by the salary rate specified in the
8 General Appropriations Act and adjusted for reorganizations
9 authorized by law, for any other appropriations made by law,
10 and, subject to s. 216.177, for distributions of lump-sum
11 appropriations and administered funds and for actions that
12 require authorization of salary rate from salary rate reserve
13 and placement of salary rate in salary rate reserve.

14 (10)(a) The Legislative Budget Commission may
15 authorize increases or decreases in the approved salary rate,
16 except as authorized in s. 216.181(8)(a), for positions
17 pursuant to the request of the agency filed with the Executive
18 Office of the Governor or pursuant to the request of an entity
19 of the judicial branch filed with the Chief Justice of the
20 Supreme Court, if deemed necessary and in the best interest of
21 the state and consistent with legislative policy and intent.

22 (11) The Executive Office of the Governor and the
23 Chief Justice of the Supreme Court may approve changes in the
24 amounts appropriated from state trust funds in excess of those
25 in the approved operating budget up to \$1 million only
26 pursuant to the federal funds provisions of s. 216.212, when
27 grants and donations are received after April 1, or when
28 deemed necessary due to a set of conditions that were
29 unforeseen at the time the General Appropriations Act was
30 adopted and that are essential to correct in order to continue
31 the operation of government. Changes in the amounts

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appropriated from state trust funds in excess of those in the approved operating budget which are in excess of \$1 million may be approved only by the Legislative Budget Commission pursuant to the request of a state agency filed with the Executive Office of the Governor or pursuant to the request of an entity of the judicial branch filed with the Chief Justice of the Supreme Court. The provisions of this subsection are subject to the notice, ~~review~~, and objection procedures set forth in s. 216.177.

Section 17. Section 216.1811, Florida Statutes, is created to read:

216.1811 Approved operating budgets and appropriations for the legislative branch.--

(1) The Governor and the Chief Financial Officer shall each make changes to the original approved operating budgets for operational and fixed capital expenditures relating to the legislative branch as directed by the presiding officers of the legislative branch.

(2) The Governor and the Chief Financial Officer shall each ensure that any balances of appropriations made to the legislative branch are carried forward as directed by the presiding officers of the legislative branch.

Section 18. Subsection (2) of section 216.1815, Florida Statutes, is amended to read:

216.1815 Agency incentive and savings program.--

(2) To be eligible to retain funds, an agency or the Chief Justice of the Supreme Court must submit a plan and an associated request to amend its approved operating budget to the Legislative Budget Commission specifying:

(a) The modifications to approved programs resulting in efficiencies and cost savings;

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1 (b) The amount and source of the funds and positions
2 saved;

3 (c) The specific positions, rate, amounts, and sources
4 of funds the agency or the judicial branch wishes to include
5 in its incentive expenditures;

6 (d) How the agency or the judicial branch will meet
7 the goals and objectives established in its long-range program
8 plan;

9 (e) How the agency or the judicial branch will meet
10 performance standards, including ~~established by the~~
11 ~~Legislature and~~ those in its long-range program plan; and

12 (f) Any other incentive expenditures which the agency
13 or the judicial branch believes will enhance its performance.

14 Section 19. Section 216.1827, Florida Statutes, is
15 created to read:

16 216.1827 Requirements for performance measures and
17 standards.--

18 (1) Agencies and the judicial branch shall maintain a
19 comprehensive performance accountability system containing, at
20 a minimum, a list of performance measures and standards that
21 are adopted by the Legislature and subsequently amended
22 pursuant to this section.

23 (2)(a) Agencies and the judicial branch shall submit
24 output and outcome measures and standards, as well as
25 historical baseline and performance data, to the Executive
26 Office of the Governor and the Legislature, under s. 216.013.

27 (b) Agencies and the judicial branch shall also submit
28 performance data, measures, and standards to the Office of
29 Program Policy Analysis and Government Accountability upon
30 request for review of the adequacy of the legislatively
31 approved measures and standards.

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1 (3)(a) An agency may submit requests to delete or
2 amend its existing approved performance measures and standards
3 or submit requests to create additional performance measures
4 and standards to the Executive Office of the Governor for
5 review and approval. The request shall document the
6 justification for the change and ensure that the revision,
7 deletion, or addition is consistent with legislative intent.
8 Revisions or deletions to, or additions of performance
9 measures and standards approved by the Executive Office of the
10 Governor are subject to the review and objection procedure set
11 forth in s. 216.177.

12 (b) The Chief Justice of the Supreme Court may submit
13 deletions or amendments of the judicial branch's existing
14 approved performance measures and standards or may submit
15 additional performance measures and standards to the Executive
16 Office of the Governor accompanied with justification for the
17 change and ensure that the revision, deletion, or addition is
18 consistent with legislative intent. Revisions or deletions to,
19 or additions of performance measures and standards submitted
20 by the Chief Justice of the Supreme Court are subject to the
21 review and objection procedure set forth in s. 216.177.

22 (4)(a) The Legislature may create, amend, and delete
23 performance measures and standards. The Legislature may confer
24 with the Executive Office of the Governor for state agencies
25 and the Chief Justice of the Supreme Court for the judicial
26 branch prior to any such action.

27 (b) The Legislature may require state agencies to
28 submit requests for revisions, additions, or deletions to
29 approved performance measures and standards to the Executive
30 Office of the Governor for review and approval, subject to the
31 review and objection procedure set forth in s. 216.177.

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(c) The Legislature may require the judicial branch to submit revisions, additions, or deletions to approved performance measures and standards to the Executive Office of The Governor, subject to the review and objection procedure set forth in s. 216.177.

(d) Any new agency created by the Legislature is subject to the initial performance measures and standards established by the Legislature. The Legislature may require state agencies and the judicial branch to provide any information necessary to create initial performance measures and standards.

Section 20. Subsection (3) is added to section 216.251, Florida Statutes, to read:

216.251 Salary appropriations; limitations.--

(3) An agency may not provide general salary increases or pay additives for a cohort of positions sharing the same job classification or job occupations which the Legislature has not authorized in the General Appropriations Act or other laws.

Section 21. Subsection (3), paragraph (b) of subsection (4), and subsection (5) of section 216.292, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

216.292 Appropriations nontransferable; exceptions.--

(3) The following transfers are authorized with the approval of the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch, subject to the notice and objection ~~review~~ provisions of s. 216.177:

(a) The transfer of appropriations for operations from trust funds in excess of those provided in subsection (2), up

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to \$1 million.

(b) The transfer of positions between budget entities.

(4) The following transfers are authorized with the approval of the Legislative Budget Commission. Unless waived by the chair and vice chair of the commission, notice of such transfers must be provided 14 days before the commission meeting:

(b) The transfer of appropriations for operations from trust funds in excess of those authorized ~~provided~~ in subsection (2) or subsection (3) ~~this section that exceed the greater of 5 percent of the original approved budget or \$1 million~~, as recommended by the Executive Office of the Governor or the Chief Justice of the Supreme Court.

(5) A transfer of funds may not result in the initiation of a fixed capital outlay project that has not received a specific legislative appropriation, except that federal funds for fixed capital outlay projects for the Department of Military Affairs, which do not carry a continuing commitment on future appropriations by the Legislature, may be approved by the Executive Office of the Governor for the purpose received, subject to the notice~~7~~ ~~review~~, and objection procedures set forth in s. 216.177.

(7) The provisions of this section do not apply to the budgets for the legislative branch.

Section 22. Effective upon this act becoming a law, subsections (1) and (3) and paragraph (a) of subsection (2) of section 216.301, Florida Statutes, as amended by section 40 of chapter 2005-152, Laws of Florida, are amended to read:

216.301 Appropriations; undisbursed balances.--

(1)(a) As of June 30th of each year, for appropriations for operations only, each department and the

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judicial branch shall identify in the state's financial system any incurred obligation which has not been disbursed, showing in detail the commitment or to whom obligated and the amounts of such commitments or obligations. Any appropriation not identified as an incurred obligation effective June 30th shall revert to the fund from which it was appropriated and shall be available for reappropriation by the Legislature.

(b) The undisbursed release balance of any authorized appropriation, except an appropriation for fixed capital outlay, for any given fiscal year remaining on June 30 of the fiscal year shall be carried forward in an amount equal to the incurred obligations identified in paragraph (a). Any such incurred obligations remaining undisbursed on September 30 shall revert to the fund from which appropriated and shall be available for reappropriation by the Legislature. The Chief Financial Officer will monitor changes made to incurred obligations prior to the September 30 reversion to ensure generally accepted accounting procedures and legislative intent are followed.

(c) In the event an appropriate identification of an incurred obligation is not made and an incurred obligation is proven to be legal, due, and unpaid, then the incurred obligation shall be paid and charged to the appropriation for the current fiscal year of the state agency or the legislative or judicial branch affected.

~~(1)(a) Any balance of any appropriation, except an appropriation for fixed capital outlay, which is not disbursed but which is expended shall, at the end of each fiscal year, be certified by the head of the affected state agency or the judicial or legislative branches, on or before August 1 of each year, to the Executive Office of the Governor, showing in~~

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1 ~~detail the obligees to whom obligated and the amounts of such~~
 2 ~~obligations. Any such encumbered balance remaining undisbursed~~
 3 ~~on September 30 of the same calendar year in which such~~
 4 ~~certification was made shall revert to the fund from which~~
 5 ~~appropriated, except as provided in subsection (3), and shall~~
 6 ~~be available for reappropriation by the Legislature. In the~~
 7 ~~event such certification is not made and an obligation is~~
 8 ~~proven to be legal, due, and unpaid, then the obligation shall~~
 9 ~~be paid and charged to the appropriation for the current~~
 10 ~~fiscal year of the state agency or the legislative or judicial~~
 11 ~~branch affected.~~

12 ~~(b) Any balance of any appropriation, except an~~
 13 ~~appropriation for fixed capital outlay, for any given fiscal~~
 14 ~~year remaining after charging against it any lawful~~
 15 ~~expenditure shall revert to the fund from which appropriated~~
 16 ~~and shall be available for reappropriation by the Legislature.~~

17 ~~(d)(e)~~ Each department and the judicial branch shall
 18 maintain the integrity of the General Revenue Fund.
 19 Appropriations from the General Revenue Fund contained in the
 20 original approved budget may be transferred to the proper
 21 trust fund for disbursement. Any reversion of appropriation
 22 balances from programs which receive funding from the General
 23 Revenue Fund and trust funds shall be transferred to the
 24 General Revenue Fund within 15 days after such reversion,
 25 unless otherwise provided by federal or state law, including
 26 the General Appropriations Act. The Executive Office of the
 27 Governor or the Chief Justice of the Supreme Court shall
 28 determine the state agency or judicial branch programs which
 29 are subject to this paragraph. This determination shall be
 30 subject to the legislative consultation and objection process
 31 in this chapter. The Education Enhancement Trust Fund shall

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not be subject to the provisions of this section.

(2)(a) The balance of any appropriation for fixed capital outlay which is not disbursed but expended, contracted, or committed to be expended prior to February 1 of the second fiscal year of the appropriation, or the third fiscal year if it is for an educational facility as defined in chapter 1013 or for a construction project of a state university, shall be certified by the head of the affected state agency ~~or the legislative or judicial branch~~ on February 1 to the Executive Office of the Governor, showing in detail the commitment or to whom obligated and the amount of the commitment or obligation. The Executive Office of the Governor for the executive branch and the Chief Justice for the judicial branch shall review and approve or disapprove, consistent with criteria jointly developed by the Executive Office of the Governor and the legislative appropriations committees, the continuation of such unexpended balances. The Executive Office of the Governor shall, no later than February 28 ~~20~~ of each year, furnish the Chief Financial Officer, the legislative appropriations committees, and the Auditor General a report listing in detail the items and amounts reverting under the authority of this subsection, including the fund to which reverted and the agency affected.

~~(3) The President of the Senate and the Speaker of the House of Representatives may notify the Executive Office of the Governor to retain certified forward balances from legislative budget entities until June 30 of the following fiscal year.~~

Section 23. Subsection (2) of section 252.37, Florida Statutes, is amended to read:

252.37 Financing.--

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1 (2) It is the legislative intent that the first
2 recourse be made to funds regularly appropriated to state and
3 local agencies. If the Governor finds that the demands placed
4 upon these funds in coping with a particular disaster declared
5 by the Governor as a state of emergency are unreasonably
6 great, she or he may make funds available by transferring and
7 expending moneys appropriated for other purposes, by
8 transferring and expending moneys out of any unappropriated
9 surplus funds, or from the Budget Stabilization Fund.
10 Following the expiration or termination of the state of
11 emergency, the Governor may transfer moneys with a budget
12 amendment, subject to approval by the Legislative Budget
13 Commission, process a budget amendment under the notice and
14 review procedures set forth in s. 216.177 to transfer moneys
15 to satisfy the budget authority granted for such emergency.

16 Section 24. Section 273.02, Florida Statutes, is
17 amended to read:

18 273.02 Record and inventory of certain property.--The
19 word "property" as used in this section means equipment,
20 fixtures, and other tangible personal property of a
21 nonconsumable and nonexpendable nature. The Chief Financial
22 Officer shall establish by rule the requirements for the
23 recording of property in the state's financial systems and for
24 the periodic review of property for inventory purposes., the
25 value or cost of which is \$1,000 or more and the normal
26 expected life of which is 1 year or more, and hardback-covered
27 bound books that are circulated to students or the general
28 public, the value or cost of which is \$25 or more, and
29 hardback-covered bound books, the value or cost of which is
30 \$250 or more. Each item of property which it is practicable to
31 identify by marking shall be marked in the manner required by

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1 ~~the Auditor General. Each custodian shall maintain an adequate~~
 2 ~~record of property in his or her custody, which record shall~~
 3 ~~contain such information as shall be required by the Auditor~~
 4 ~~General. Once each year, on July 1 or as soon thereafter as is~~
 5 ~~practicable, and whenever there is a change of custodian, each~~
 6 ~~custodian shall take an inventory of property in his or her~~
 7 ~~custody. The inventory shall be compared with the property~~
 8 ~~record, and all discrepancies shall be traced and reconciled.~~
 9 ~~All publicly supported libraries shall be exempt from marking~~
 10 ~~hardback-covered bound books, as required by this section. The~~
 11 ~~catalog and inventory control records maintained by each~~
 12 ~~publicly supported library shall constitute the property~~
 13 ~~record of hardback-covered bound books with a value or cost of~~
 14 ~~\$25 or more included in each publicly supported library~~
 15 ~~collection and shall serve as a perpetual inventory in lieu of~~
 16 ~~an annual physical inventory. All books identified by these~~
 17 ~~records as missing shall be traced and reconciled, and the~~
 18 ~~library inventory shall be adjusted accordingly.~~

19 Section 25. Section 273.025, Florida Statutes, is
 20 created to read:

21 273.025 Financial reporting for recorded
 22 property.--The Chief Financial Officer shall establish by rule
 23 the requirements for the capitalization of property that has
 24 been recorded in the state's financial systems.

25 Section 26. Subsections (2) and (5) of section
 26 273.055, Florida Statutes, are amended to read:

27 273.055 Disposition of state-owned tangible personal
 28 property.--

29 (2) Custodians shall maintain records to identify each
 30 property item as to disposition. Such records shall comply
 31 with rules issued by the Chief Financial Officer ~~Auditor~~

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~~General.~~

(5) All moneys received from the disposition of state-owned tangible personal property or from any agreement entered into under this chapter must be retained by the custodian and may be disbursed for the acquisition of exchange and surplus property and for all necessary operating expenditures, ~~and are appropriated for those purposes.~~ The custodian shall maintain records of the accounts into which the money is deposited.

Section 27. Section 274.02, Florida Statutes, is amended to read:

274.02 Record and inventory of certain property.--

(1) The word "property" as used in this section means fixtures and other tangible personal property of a nonconsumable nature ~~the value of which is \$1,000 or more and the normal expected life of which is 1 year or more.~~

(2) The Chief Financial Officer shall establish by rule the requirements for the recording of property and for the periodic review of property for inventory purposes. ~~Each item of property which it is practicable to identify by marking shall be marked in the manner required by the Auditor General. Each governmental unit shall maintain an adequate record of its property, which record shall contain such information as shall be required by the Auditor General. Each governmental unit shall take an inventory of its property in the custody of a custodian whenever there is a change in such custodian. A complete physical inventory of all property shall be taken annually, and the date inventoried shall be entered on the property record. The inventory shall be compared with the property record, and all discrepancies shall be traced and reconciled.~~

Bill No. SB 2548

Barcode 094572

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Section 28. Paragraph (b) of subsection (3) of section 338.2216, Florida Statutes, is amended to read:

338.2216 Florida Turnpike Enterprise; powers and authority.--

(3)

(b) Notwithstanding the provisions of s. 216.301 to the contrary and in accordance with s. 216.351, the Executive Office of the Governor shall, on July 1 of each year, certify forward all unexpended funds appropriated or provided pursuant to this section for the turnpike enterprise. Of the unexpended funds certified forward, any unencumbered amounts shall be carried forward. Such funds carried forward shall not exceed 5 percent of the original approved ~~total~~ operating budget as defined in s. 216.181(1) of the turnpike enterprise. Funds carried forward pursuant to this section may be used for any lawful purpose, including, but not limited to, promotional and market activities, technology, and training. Any certified forward funds remaining undisbursed on September 30 ~~December 31~~ of each year shall be carried forward.

Section 29. Subsection (4) of section 1011.57, Florida Statutes, is amended to read:

1011.57 Florida School for the Deaf and the Blind; board of trustees; management flexibility.--

(4) Notwithstanding the provisions of s. 216.301 to the contrary, ~~the Executive Office of the Governor shall, on July 1 of each year, certify forward~~ all unexpended funds appropriated for the Florida School for the Deaf and the Blind. ~~The unexpended amounts in any fund~~ shall be carried forward and included as the balance forward for that fund in the approved operating budget for the following year.

Section 30. Section 215.29, Florida Statutes, is

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1 repealed.

2 Section 31. Except as otherwise expressly provided in
3 this act, this act shall take effect July 1, 2006.

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